

REMARKS

Applicant respectfully requests reconsideration of the above referenced patent application in view of the amendments and remarks set forth herein, and respectfully request that the Examiner withdraw all rejections. Claims 1-6, 9, 12-18, 20-25 and 30 have been amended. No claims have been canceled. No claims have been added. Thus, claims 1-30 are pending.

Specification

The Office Action objects to the Abstract for not being in narrative form. The Office Action further objects to use of the term “approval” in paragraph [0021] in reference to element 106 of the figures. Applicant traverses the above objections for at least the following reasons.

Applicants submit a replacement Abstract in the Appendix below. Applicants further amend paragraph [0021] of the specification herein to refer to an “approver 106”. Applicants submit that the specification as currently amended cures any alleged deficiencies to the specification cited in the Office Action. Therefore, Applicant respectfully requests that the above objections be withdrawn.

Claim Objections

The Office Action objects to claims 3, 15 and 22 for various lack of antecedent basis in the term “the list”. The Office Action further objects to claim 9 for an alleged improper conjugation of “message comprising” and also objects to claim 14 for reciting “associating at least target device”. Finally, the Office Action objects to claim 20 for reciting “one of more networks”. Applicant traverses the above objections for at least the following reasons.

Applicant amends claims 3, 15 and 22 to variously recite “a list of devices” instead of reciting “the list”. Applicant amends claim 9 to recite “message includes”

rather than “message comprising”. Applicant amends claim 14 to recite “associating at least one target mobile device” rather than “associating at least target device”. Applicant amends claim 20 to recite “one or more networks” rather than “one of more networks”. Applicants submit that the currently amended claims cure any alleged claim informalities cited in the Office Action. Therefore, Applicant respectfully requests that the above objections be withdrawn.

35 U.S.C. §102 Rejections

35 U.S.C. §102(b) Rejection over *Lazaridis*

The Office Action rejects claims 1-2, 5-8, 11-12, 13-14, 17-21, and 24-28 under §102(b) as being anticipated by Lazaridis et al., US Publication No. 2001/0005860 (“*Lazaridis*”). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference, wherein the identical invention is shown in as complete detail as is contained in the claim. See M.P.E.P. §2131. The Office Action alleges that *Lazaridis* discloses, *inter alia*, sending a message to a target device associated with a second user, the target device not being connected to the network, if no indication is received to indicate that the second user has read the message addressed to the second user. Applicants traverse the above rejection for at least the following reasons.

The above rejected claims include independent claims 1, 13 and 20. Independent claim 20 is amended herein to recite in a salient portion (emphasis added):

“...the memory storing instructions which when executed by the processor, cause **the system** to perform a method comprising:...

sending the message to the second node; and

if no indication is received by the system to indicate that the second user has read the message, then **sending** the message to a target mobile device associated with the second user”

Each of current claims 1 and 13 includes corresponding claim limitations. These claim amendments are supported in the original disclosure at least by FIG. 2 and by paragraph

[0016] of the specification. Applicants respectfully submit that each of the above rejected claims is not anticipated by *Lazaridis*, based at least on the failure of the *Lazaridis* to disclose – as variously recited in claims 1, 13 and 20 – a system (1) sending the message to the second node **and** (2) sending the message to a target mobile device associated with the second user **if no indication is received by the system** to indicate that the second user has read the message.

Lazaridis discusses a system and method for redirecting information from a host system to a mobile data communication device, wherein a **redirector** program 12 operating at the host system 10 enables a user to continuously **redirect** certain user-selected data items **from the host system** to the user's mobile data communication device. See, e.g., Abstract. However, the point of distinction between *Lazaridis* and the invention of the currently amended claims is described in the very passage in *Lazaridis* relied upon by the Office Action as a basis for the above rejection. More particularly, paragraphs [0031] and [0033] of *Lazaridis* disclose the redirector program 12 as **resident on host system 10** and redirecting data items **from** host system 10 to the user's mobile data communication device 24 when the **redirector** 12 detects that a particular user-defined event trigger (or trigger point) has taken place. Once a data item such as a message reaches the primary message store of the host system 10, it can be detected and acted upon by the redirection software 12 on host system 10.

By contrast, in the currently amended claims, data is sent to a target mobile device from a system **other than** the second user's node. In the claimed invention, a message is sent to a target mobile device **if** the system which sends the message **to** the second user's node **does not receive** an indication to indicate that the second user has read the message. Furthermore, in the currently amended claims it is the system which sends the message **to the second node** (i.e. a system which is **not** the second node) which **also** performs this sending of the message to the target mobile device. In order to anticipate the claims, *Lazaridis* would at least have to disclose a system **other than host system 10** sending the message to a target mobile device, and any such sending of a message to a target mobile device would have to be **if that system other than host system 10** did not receive an

indication that a user had not read the message. However, *Lazaridis* discloses using redirector 12 on host system 10 to redirect data from host system 10 in response to conditions detected at host system 10.

For at least the foregoing reasons, *Lazaridis* **fails** to disclose at least one element in each of independent claims 1, 13 and 20. In depending directly or indirectly from one of these independent claims, each of dependent claims 2, 5-8, 11-12, 14, 17-19, 21, and 24-28 incorporates at least one limitation not taught by the reference. Therefore, Applicants request that the above 35 U.S.C. §102(b) rejection of claims 1-2, 5-8, 11-12, 13-14, 17-21, and 24-28 based on *Lazaridis* be withdrawn.

35 U.S.C. §103(a) Rejections

35 U.S.C. §103(a) Rejection over *Lazaridis* and *Shavit*

The Office Action rejects claims 3-4 under §103(a) as being obvious in light of *Lazaridis et al.*, US Publication No. 2001/0005860 ("*Lazaridis*") in view of *Shavit et al.*, US Publication No. 2002/0160757 ("*Shavit*"). In rejecting the above claims, the Office Action relies at least in part on the previously discussed 35 U.S.C. §102 rejection of claim 1 based on *Lazaridis* alone. *Shavit* is further alleged to disclose sending messages sequentially to each target device in a list. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. See M.P.E.P. § 2143.03. Applicants traverse the above rejection for at least the following reasons.

As discussed previously, *Lazaridis* fails to disclose at least one limitation in claim 1, e.g. a system sending the message to the second node and sending the message to a target mobile device associated with the second user if no indication is received by the system to indicate that the second user has read the message. In rejecting the above claims, the Office Action fails to offer any new basis for some combination of *Lazaridis* and *Shavit* teaching or suggesting this limitation.

Applicants respectfully submit that no combination of *Lazaridis* and *Shavit* teaches or suggests a system sending the message to the second node and sending the message to a target mobile device associated with the second user if no indication is received by the system to indicate that the second user has read the message. Therefore claim 1 contains at least one limitation which is non-obvious in light of *Lazaridis* and *Shavit*. If an independent claim is non-obvious under 35 U.S.C. §103, then any claim depending therefrom is non-obvious. *See* M.P.E.P. §2143.03. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of claims 3 and 4 based on *Lazaridis* and *Shavit* be withdrawn.

35 U.S.C. §103(a) Rejection over *Lazaridis* and *Microsoft*

The Office Action rejects claim 10 under §103(a) as being obvious in light of *Lazaridis et al.*, in view of Microsoft Outlook 2000 ("*Microsoft*"). In rejecting the above claims, the Office Action relies at least in part on the previously discussed 35 U.S.C. §102 rejection of claim 1 based on *Lazaridis* alone. *Microsoft* is further alleged to disclose sending a notification to the first user if an indication is received to indicate that the second user has read the message. Applicants traverse the above rejection for at least the following reasons.

As discussed previously, *Lazaridis* fails to disclose at least one limitation in claim 1, e.g. a system sending the message to the second node and sending the message to a target mobile device associated with the second user if no indication is received by the system to indicate that the second user has read the message. In rejecting the above claims, the Office Action fails to offer any new basis for some combination of *Lazaridis* and *Microsoft* teaching or suggesting this limitation.

Applicants respectfully submit that no combination of *Lazaridis* and *Microsoft* teaches or suggests a system sending the message to the second node and sending the message to a target mobile device associated with the second user if no indication is received by the system to indicate that the second user has read the message. Therefore claim 1 contains at least one limitation which is non-obvious in light of *Lazaridis* and

Microsoft. If an independent claim is non-obvious under 35 U.S.C. §103, then any claim depending therefrom is non-obvious. *See* M.P.E.P. §2143.03. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of claim 10 based on *Lazaridis* and *Microsoft* be withdrawn.

35 U.S.C. §103(a) Rejection over *Lazaridis* and *Shavit*

The Office Action rejects claims 15-16 under §103(a) as being obvious in light of *Lazaridis* in view of *Shavit*. The Office Action further rejects claims 22-23 under §103(a) as being obvious in light of *Lazaridis* in view of *Shavit*. In rejecting claims 15, 16, 22 and 23, the Office Action relies at least in part on the previously discussed 35 U.S.C. §102 rejection of independent claims 13 and 20 based on *Lazaridis* alone. Applicants traverse the above rejection for at least the following reasons.

As discussed previously, *Lazaridis* fails to disclose at least one limitation in claims 13 and 20, e.g. a system sending the message to the second node and sending the message to a target mobile device associated with the second user if no indication is received by the system to indicate that the second user has read the message. In rejecting the above claims, the Office Action fails to offer any new basis for some combination of *Lazaridis* and *Shavit* teaching or suggesting this limitation.

Applicants again submit that no combination of *Lazaridis* and *Shavit* teaches or suggests a system sending the message to the second node and sending the message to a target mobile device associated with the second user if no indication is received by the system to indicate that the second user has read the message. Therefore claims 13 and 20 each contain at least one limitation which is non-obvious in light of *Lazaridis* and *Shavit*. If an independent claim is non-obvious under 35 U.S.C. §103, then any claim depending therefrom is non-obvious. *See* M.P.E.P. §2143.03. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of claims 15, 16, 22 and 23 based on *Lazaridis* and *Shavit* be withdrawn.

35 U.S.C. §103(a) Rejection over *Lazaridis* and *Microsoft*

The Office Action rejects claim 29 under §103(a) as being obvious in light of *Lazaridis* in view of *Microsoft*. In rejecting claim 29, the Office Action relies at least in part on the previously discussed 35 U.S.C. §103 rejection of claim 20. *Microsoft* is further alleged to disclose sending a notification to the first user if an indication is received to indicate that the second user has read the message, as previously discussed with reference to claim 10. Applicants traverse the above rejection for at least the following reasons.

As discussed previously, *Lazaridis* and *Microsoft* fails to disclose at least one limitation in each of claims 10 and 20, e.g. a system sending the message to the second node and sending the message to a target mobile device associated with the second user if no indication is received by the system to indicate that the second user has read the message. In rejecting claim 29, the Office Action fails to offer any new basis for some combination of *Lazaridis* and *Microsoft* teaching or suggesting this limitation.

Applicants respectfully submit that no combination of *Lazaridis* and *Microsoft* teaches or suggests a system sending the message to the second node and sending the message to a target mobile device associated with the second user if no indication is received by the system to indicate that the second user has read the message. Therefore claim 20 contains at least one limitation which is non-obvious in light of *Lazaridis* and *Microsoft*. If an independent claim is non-obvious under 35 U.S.C. §103, then any claim depending therefrom is non-obvious. See M.P.E.P. §2143.03. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of claim 29 based on *Lazaridis* and *Microsoft* be withdrawn.

35 U.S.C. §103(a) Rejection over *Lazaridis* and *Ouchi*

The Office Action rejects claim 30 under §103(a) as being obvious in light of *Lazaridis* in view of *Ouchi*, USPN 6,170,002 ("*Ouchi*"). In rejecting the above claims, the Office Action relies at least in part on the previously discussed 35 U.S.C. §102

rejection of claim 20 based on *Lazaridis* alone. *Ouchi* is further alleged to disclose inserting a document identifier into a message before sending it to the target device. Applicants traverse the above rejection for at least the following reasons.

As discussed previously, *Lazaridis* fails to disclose at least one limitation in claim 20, e.g. a system sending the message to the second node and sending the message to a target mobile device associated with the second user if no indication is received by the system to indicate that the second user has read the message. In rejecting the above claims, the Office Action fails to offer any new basis for some combination of *Lazaridis* and *Ouchi* teaching or suggesting this limitation.

Applicants respectfully submit that no combination of *Lazaridis* and *Ouchi* teaches or suggests a system sending the message to the second node and sending the message to a target mobile device associated with the second user if no indication is received by the system to indicate that the second user has read the message. Therefore claim 20 contains at least one limitation which is non-obvious in light of *Lazaridis* and *Ouchi*. If an independent claim is non-obvious under 35 U.S.C. §103, then any claim depending therefrom is non-obvious. *See* M.P.E.P. §2143.03. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of claim 30 based on *Lazaridis* and *Ouchi* be withdrawn.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the objections and rejections have been overcome. Therefore, claims 1-30 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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Application No. 10/665,851
Amendment dated August 30, 2007
Response to Office Action of May 30, 2007

Atty. Docket No. 42P17326
Examiner RECEK, Jason D.
TC/A.U. 2109

Appendix:

Please refer to the replacement sheet for the Abstract, provided hereafter.